

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-339-E - ORDER NO. 2011-673
SEPTEMBER 22, 2011

IN RE: Application of Global Energy Franchise for)	ORDER GRANTING
Special Contract Approval for Solar Services)	PETITIONS TO
Agreement)	INTERVENE,
)	REQUIRING A HEARING,
)	AND REQUIRING
)	APPLICANT TO RETAIN
)	AN ATTORNEY

This matter comes before the Public Service Commission of South Carolina (“Commission”) on a challenge to the Petitions to Intervene filed by Progress Energy Carolinas, Inc. (“PEC”), Duke Energy Carolinas, LLC (“Duke”) and South Carolina Electric & Gas Company/SCANA Corporation (“SCANA”), and for consideration of requiring Global Energy Franchise (“Global” or “the Applicant”), the Applicant in this case, to retain an attorney to represent it in this matter. For the reasons stated below, all Petitions to Intervene are granted, a hearing on the case shall be set, and Global must retain an attorney authorized to practice law in South Carolina and must notify this Commission of this retention within thirty (30) days of receipt of this Order.

On or about August 15, 2011, Global filed an Application with this Commission seeking, *inter alia*, a declaration that Global is not subject to the jurisdiction of this Commission because it is not an “electrical utility” under South Carolina law, but is instead a “third party solar energy provider.” The Applicant also “seeks permission to operate as a third party energy leasing equipment provider using solar photovoltaics.”

Global proposes to finance solar energy projects by means of a “Solar Services Agreement” or “SSA.” Global would propose to enter into SSAs with schools and other entities.

On August 25-26, 2011, PEC, Duke, and SCANA all filed Petitions to Intervene in this case. The gravamen of the Petitions was that the manner in which SSAs are employed by Global makes Global an “electrical utility,” and places it under the jurisdiction of this Commission.

On August 31, 2011, Global filed an objection to the three Petitions to Intervene, essentially stating that the Petitions were premature, since no public hearing date had been established for the Application.

On September 8, 2011, SCANA replied to Global’s objection, this reply also later being supported by PEC. SCANA states that no statute, procedural rule, or Commission precedent precludes intervention at this stage of a proceeding. In fact, the reply notes that it is accepted practice to allow interested parties to intervene in a docket at any time before the deadline for intervention expires, and that intervention in a Commission case is not limited to cases that are scheduled for a full evidentiary hearing.

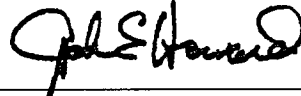
We agree with the reasoning contained in SCANA’s reply. Certainly, there is no statute, procedural rule, or Commission precedent which precludes intervention at this stage of a proceeding. It is also correct to say that, absent substantive reasons for objection to a party’s intervention, it is accepted practice to allow interested parties to intervene in a docket at any time before the intervention deadline expires, and that intervention in a Commission case is not limited to cases that are scheduled for a full

evidentiary hearing. Accordingly, the Petitions to Intervene from PEC, Duke, and SCANA are all granted and Global's objection is overruled. Further, the Application and Petitions to Intervene all raise points which we believe should be raised before this Commission in a formal hearing. Accordingly, the Commission Staff is directed to set this matter for a hearing.

In addition, 26 S.C. Code Ann. Regs. 103-805 (B) (Supp. 2010) requires, in part, that, except where otherwise indicated, any "entity," including, but not limited to, a corporation, partnership, limited liability company, or professional association must be represented by an attorney admitted to practice law in South Carolina. Under subsection (C), an individual not admitted to practice law in South Carolina may represent himself or herself, but may not represent another person. The Application states that Global Energy Franchise is a "Limited Liability Corporation." Clearly, Global Energy Franchise is an "entity" under Regulation 103-805 (B), and is not an individual under Regulation 103-805 (C). Therefore, Global Energy Franchise must obtain legal counsel authorized to practice law in South Carolina. Global shall notify this Commission of its selection of an attorney within thirty (30) days of its receipt of this Order.

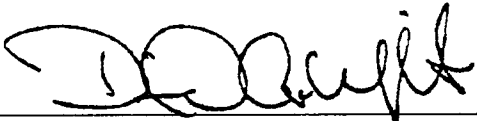
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



John E. Howard, Chairman

ATTEST:



David A. Wright, Vice Chairman

(SEAL)